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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Edwin Southern

Serial No. NEW

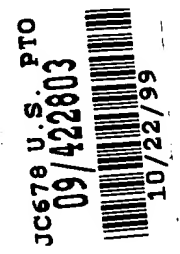
Attn: Application Branch

Filed October 22, 1999

Attorney Docket No.

00263/PP/IR/7644 US-DIV-2

ANALYSING POLYNUCLEOTIDE SEQUENCES  
(Rule 1.53(b) Divisional of Serial No. 08/925,676,  
Filed September 9, 1997)



INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Pursuant to the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, Applicant requests consideration of (X) the references listed on the attached Form PTO-1449 and/or () the additional information identified below in paragraph 4. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 08/925,676.

1. This Information Disclosure Statement is submitted:
  - a. ☒ (X) within 3 months of the filing date of the above-identified application, or  
☐ ( ) within 3 months of entry into National stage prosecution of an International application, or ☐ ( ) before the mailing date of the first Office Action on the merits, and thus:  
  
☒ (X) no certification and/or fee is required.
  - b. ☐ ( ) after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:  
  
☐ ( ) the certification of paragraph 2 below is provided,  

or

☐ ( ) a fee of \$240.00 is enclosed.

- c.     ☐     after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus:
- ☐     the certification of paragraph 2 below is provided,
- and
- ☐     the Petition of paragraph 3 below is provided and \$130.00 fee therefor is enclosed.
2.     It is hereby certified
- ☐     that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- ☐     that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.
3.     ☐     Petition under 37 CFR 1.97 for consideration of this Information Disclosure Statement is hereby made.
4.     ☐     Consideration of the following additional information (including any co-pending or abandoned U.S. application, prior uses and/or sales, etc.) is requested:
5.     ☐     For each non-English language reference listed on the attached Form PTO-1449:
- ☐     reference is made to an English language translation or abstract submitted herewith, and/or
- ☐     reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐     reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or

- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) , and/or
  - ☐ reference is made to the concise explanation set forth below:
6. ☐ Applicant also offers the following comments for the Examiner's consideration:
7. ☐ Also enclosed is a copy of the European Search Report citing these references.

Respectfully submitted,

Edwin Southern

By Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
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Attorney for Applicant

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October 22, 1999

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: October 22, 1999

ATTY DOCKET NO.  
263/PPIR7644 US-DIV-2SERIAL NO.  
NEWAPPLICANT  
Edwin SOUTHERNFILING DATE  
October 22, 1999

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,563,419	1/1986	Ranki et al.	435	6	
	AB	4,704,353	11/1987	Humphries et al.	435	4	
	AC	4,728,502	3/1988	Hamill	422	116	
	AD	4,327,073	4/1982	Huang	424	1	

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	AE	2,156,074	10/1985	United Kingdom, Palva et al.				
	AF	0,237,362	9/1987	EP, Erlich et al.				
	AG							
	AH	WO93/22480	11/1993	PCT, Southern				
	AI	0235726A3	9/1987	Europe, Dattagupta et al.				
	AJ	WO85/01051	3/1985	PCT, Arnold				
	AK	0281927A2	9/1988	Europe, Dattagupta et al.				
	AL	0130739A2	1/1985	Europe, Urdea et al.				
	AM	0171150B1	2/1986	Europe, Herzberg et al.				
	AN	WO86/06487	11/1986	PCT, Geysen				

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	G. Beltz et al., <u>Methods in Enzymology</u> , <u>100</u> , 266-285 (1983).
	AP	E.M. Southern et al., <u>Genomics</u> , <u>13</u> , 1008-1017 (1992).
	AQ	Y.P. Lysov et al., <u>Dokl. Akad.</u> , <u>303</u> , 1508-1511 (1988) (with English translation).

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	BA	4,216,245	8/1980	Johnson	427	2	
	BB	4,395,486	7/1983	Wilson et al.	435	6	
	BC	4,656,127	4/87	Mundy	435	6	
	BD	5,164,319	11/92	Hafeman et al.	435	291	
	BE	5,002,867	3/91	Macevicz	435	6	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	BF	WO84/03564	9/1984	PCT, Geysen				
	BG	WO86/00991	2/1986	PCT, Geysen				
	BH							
	BI	0228075A2	7/1987	Europe, Dattagupta et al.				

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	BJ	F. Kafatos et al., <u>Nucleic Acids Research</u> , <u>7</u> (6), 1541-1552 (1979).
	BK	H.M. Geysen et al., <u>J. Immun. Meth.</u> , <u>102</u> , 259-274 (1987).
	BL	V.J. Kidd et al., <u>Nature</u> , <u>304</u> , 230-234 (1983).
	BM	P. Masinkowski et al., <u>Nucleic Acids Research</u> , <u>10</u> (24), 7895-7903 (1982).
	BN	G.K. Sim et al., <u>Cell</u> , <u>18</u> , 1303-1316 (1979).
	BO	W. Bains et al., <u>J. Theor. Biol.</u> , <u>135</u> , 303-307 (1988).

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	CA	5,202,231	4/93	Drmanac et al.	435	6	
	CB						

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	CC	WO84/03151	8/1984	PCT, Chang				
	CD	0194132A2	9/1986	Europe, Leaback				
	CE	0063810A1	11/1982	Europe, Gordon et al.				
	CF	0130523A3	1/1985	Europe, Dattagupta et al.				
	CG	0142299A2	5/1985	Europe, Ashihara et al.				
	CH	0268237A2	5/1988	Europe, Hayes et al.				
	CI	WO88/01302	2/1988	PCT, Gingeras et al.				

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	CJ	Gingeres et al., Nucleic Acids Research, Vol. 15, No. 13, pp. 5373-5390 (1987).
	CK	U.B. Voss et al., <u>Biochemical Society Transactions</u> , 624th Meeting, Dublin, 216-217 (1987).
	CL	R.K. Saiki et al., <u>Nature</u> , 324, 163-166 (1986).
	CM	Wood et al., Proc. Natl. Acad. Sci. (USA), Vol. 82, pp. 1585-1588, 1985.
	CN	L.J. Arnold et al., <u>Federation Proceedings</u> , 43(7), Abstract No. 3669 (1984).
	CO	T. Maniatis et al., <u>Molecular Cloning, A Laboratory Manual</u> , Cold Spring Harbor Laboratory, p. 282 (1982).

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	DC	WO86/03782	7/1986	PCT, Malcolm et al.			
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	DE	C.R. Cantor et al., <u>Genomics</u> , 13 1378-1383 (1992).
	DF	G.M. Church et al., <u>Proc. Natl. Acad. Sci. USA</u> , 81 1991-1995 (1984).
	DG	R. Frank, <u>Methods in Enzymology</u> , 154, 221-251 (1987).
	DH	R. Frank, <u>Nucleic Acids Research</u> , 11(13), 4365-4377 (1983).
	DI	A.R. Brautigam et al., <u>J. Clin. Microbiol.</u> , 12(2), 226-234 (1980).
	DJ	A. Rosenthal et al., <u>Nucleic Acids Research</u> , 13(4), 1173-1184 (1985).
	DK	B. Lewin, <u>Genes</u> , 3rd Ed., John Wiley & Sons, pp. 360-362 (1983).
	DL	M. Anderson et al., <u>Nucleic Acid Hybridisation, A Practical Approach</u> , B.D Hames et al., eds., IRL Press, pp. 73-111 (1985).
	DM	M.S. Urdea et al., <u>Gene</u> , 61, 253-264 (1987).

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	EE							

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	EF	C.G. Miyada et al., <u>Methods in Enzymology</u> , <u>154</u> , 94-107 (1987).
	EG	E. Calva et al., <u>J. Biol. Chem.</u> , <u>255</u> (22), 11011-11016 (1980).
	EH	A.R. Dunn et al., <u>Cell</u> , <u>12</u> , 23-36 (1977).
	EI	G. Wengler et al., <u>Virology</u> , <u>78</u> , 124-134 (1977).
	EJ	J.M. Coffin et al., <u>Cell</u> , <u>13</u> 761-773 (1978).
	EK	A. Palva et al., <u>DNA</u> , <u>7</u> (2), 135-142 (1988).
	EL	R. Drmanac et al., "Sequencing of Megabase Plus DNA by Hybridization: Theory of the Method", University of Belgrade (former Yugoslavia) (1988).
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DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.  
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FORM PTO-1449  
(REV. 7-83)U.S. DEPARTMENT OF COMMERCE  
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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AL	88/01302	2-25-88	WO, Gingeras et al.				
AM	0,392,546	10-17-90	EP-A2, Dramanac et al.				
AN	570/87	unknown	Yugoslavia			XXX	
AO							
AP							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Tenover, <u>Clinical Microbiology Reviews</u> , 1(1), 82-101 (January 1988)
AS	Ogle et al., <u>The Journal of Infectious Diseases</u> , 155(1), 119-126 (January 1987)
AT	Moseley et al., <u>Advances in Research on Cholera and Related Diarrheas</u> , 207-216 (1983)

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(Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Frankel et al., <u>The Journal of Infectious Diseases</u> , 161 1252-1256 (1990)
	AS	Ezaki, <u>Asian Med. J.</u> , 34(8), 454-459 (1991)
	AT	Ezaki et al., <u>Cancer</u> , 61, 106-109 (1988)

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FORM PTO-1449  
(REV. 7-89)

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OTHER ART

(Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Horn et al., <u>Concise Communications</u> , 1250-1252 (date unknown)
AS	Robins-Browne et al., <u>Journal of Clinical Microbiology</u> , 27(4), 644-650 (April 1989)
AT	Ezaki et al., <u>International Journal of Systematic Bacteriology</u> , 36(2), 345-347 (1986)

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(Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	McDonough et al., <u>Journal of Clinical Microbiology</u> , 26(12), 2515-2519 (1988)
	AS	Bunemann et al. <u>Nucleic Acids Research</u> , 10(22), 7163-7180 (1982)
	AT	Forster et al. <u>Nucleic Acids Research</u> , 13(3), 745-761 (1985)

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FORM PTO-1449  
(REV. 7-20)

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AR	Koomey et al., <u>Infection and Immunity</u> , 43(1), 101-107 (January 1984)
AS	Syvanen, <u>Medical Biology</u> , 64, 313-324 (1986) (Review Article)
AT	Nagata et al., <u>FEBS Letters</u> , 183(2), 379-382 (April 1985)

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	AR	Ezaki et al., <u>FEMS Microbiology Letters</u> , 67, 127-130 (1990)
	AS	Kilpper-Balz et al., <u>System. Appl. Microbiol.</u> , 5, 494-500 (1984)
	AT	Habermehl, Ed., <u>Rapid Methods and Automation in Microbiology and Immunology</u> , 30-33 (198

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FORM PTO-1449 (REV. 7-89)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Sheet <u>12</u> of <u>16</u>
<b>LIST OF ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>		ATTY. DOCKET NO. <b>263/PPIR7644 US-DIV-2</b>
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AR		Schachter, <u>Diagn. Microbiol. Infect. Dis.</u> , <u>4</u> , 185-189 (1986)
AS		Starnbach, <u>Journal of Clinical Microbiology</u> , <u>27(6)</u> , 1257-1261 (June 1989)
AT		Ezaki et al., <u>Microbiol. Immunol.</u> , <u>32(2)</u> , 141-150 (1988)

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	AR	Ghosh et al. Farrow et al., <u>System. Appl. Microbiol.</u> , 5, 483-493 (1984)
	AS	Dean et al., <u>Journal of Clinical Microbiology</u> , 27(5), 1062-1067 (May 1989)
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							YES	NO
	AL							
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	AN							
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## OTHER ART

(Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Gingeras et al. Nucleic Acids Research, 15(13), 5373-5390 (1987)
	AS	Church et al., Science, 240, 185-188 (April 8, 1988)
	AT	Bunemann Nucleic Acids Research, 10(22), 7181-7196 (1982)

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**FOREIGN PATENT DOCUMENTS**

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						YES	NO
AL	1284931	6-13-91	Canada, Erlich et al.				
AM	89/11548	11-30-89	WO, Saiki et al.				
AN	237362	9-16-87	EP-A, Erlich et al.				
AO							
AP							

**OTHER ART**

(Including Author, Title, Date, Pertinent Pages, Etc.)

AQ	Gingeras, T.R., et al., "Nucleic Acid Research", 15(13) 5373-5390 (1987)
AR	Wood et al., Proc. Natl. Acad. Sci. (USA), Vol. 82, pp. 1585-1588, 1985.
AS	Brigati et al., Virology, Vol. 126, pp. 32-50, 1983.
AT	Fodor et al., Science, Vol. 251, pp. 767-773, 1991.
AU	Saiki et al., Nature, Vol. 324, pp. 163-166, 1986.

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(Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Ezaki et al., <u>J. Gen. Appl. Microbiol.</u> , <u>34</u> , 191-199 (1988)
AS	Ezaki et al., <u>Journal of Clinical Microbiology</u> , <u>26(9)</u> , 1708-1713 (September 1988)
AT	Farrow et al., <u>System. Appl. Microbiol.</u> , <u>5</u> , 467-482 (1984)

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